

Response to Amendment

1. Applicant's amendment and arguments of October 14, 2009 have been entered.
2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allison et al. in view of Bearden et al.

Allison et al. discloses a method for thermally protecting an electric motor in an electric sprayer having a control and a temperature, and which operates to maintain a user-selected controlled pressure, the method comprising: monitoring the temperature of the electric motor via temperature sensor 56; and terminating pump operation in response to a high temperature from the sensor 56. Allison et al. do not disclose a variable speed sprayer or continuing to spray when the electric motor exceeds a predetermined level.

Bearden et al. teaches a method of thermally protecting the electric motor of an electrical pump 11 by monitoring the temperature within the pump and reducing the operational speed of the pump when an abnormally high pump temperature is experienced so that the pump can still operate while it cools down wherein the pressure will be reduced as the pump speed is reduced, thus making a variable speed sprayer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Allison et al. by providing the capability for reducing the pressure but also continue spraying when the electric motor temperature exceeds a predetermined level as taught by Bearden et al. so the sprayer can still

operate while it is cooling down. Regarding claim 5, it would have been obvious to one having ordinary skill in the art that when the motor temperature exceeds a first level, the pressure of the device would be reduced as the pump speed is reduced while still continuing to spray so that the device can cool as taught by Bearden et al. and that the control of the motor would change to on/off control by shutting off when the motor temperature exceeds a second level as the final precautionary step to avoid serious damage to the motor, wherein the second temperature is higher than the first.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is (571)272-4904. The examiner can normally be reached on Mon-Friday 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571)272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

/Davis Hwu/
Primary Examiner, Art Unit 3752